

Jan. 26. 2012 1:06PM Tuscany village

JAN 26 2012

No. 6109 P. 1

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0551-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE FOR AN EXPIRED PATENT (37 CFR 1.378(c))																				
Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)																
6443817	2002-09-03	09/778525	2001-02-06	MCCARTER-1																
<p>CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).</p>																				
<p>SMALL ENTITY</p> <p><input checked="" type="checkbox"/> Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.</p>																				
<p>LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS</p> <p><input type="checkbox"/> Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)</p>																				
<p>NOT Small Entity</p> <table border="0"> <tr> <td>Fee</td> <td>Code</td> </tr> <tr> <td><input type="radio"/> 3 ½ year</td> <td>(1551)</td> </tr> <tr> <td><input type="radio"/> 7 ½ year</td> <td>(1552)</td> </tr> <tr> <td><input type="radio"/> 11 ½ year</td> <td>(1553)</td> </tr> </table>		Fee	Code	<input type="radio"/> 3 ½ year	(1551)	<input type="radio"/> 7 ½ year	(1552)	<input type="radio"/> 11 ½ year	(1553)	<p>Small Entity</p> <table border="0"> <tr> <td>Fee</td> <td>Code</td> </tr> <tr> <td><input type="radio"/> 3 ½ year</td> <td>(2551)</td> </tr> <tr> <td><input checked="" type="radio"/> 7 ½ year</td> <td>(2552)</td> </tr> <tr> <td><input type="radio"/> 11 ½ year</td> <td>(2553)</td> </tr> </table>			Fee	Code	<input type="radio"/> 3 ½ year	(2551)	<input checked="" type="radio"/> 7 ½ year	(2552)	<input type="radio"/> 11 ½ year	(2553)
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<p>SURCHARGE</p> <p>The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.</p>																				
<p>MAINTENANCE FEE (37 CFR 1.20(e)-(g))</p> <p>The appropriate maintenance fee must be submitted with this petition.</p>																				
<p>STATEMENT</p> <p>THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL</p>																				
<p>PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED</p>																				
<p>THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES</p> <p>37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."</p> <p>I certify, in accordance with 37 CFR 1.4(d)(4) that I am</p>																				
<p><input type="radio"/> An attorney or agent registered to practice before the Patent and Trademark Office</p> <p><input type="radio"/> A sole patentee</p> <p><input type="radio"/> A joint patentee: I certify that I am authorized to sign this submission on behalf of all the other patentees.</p> <p><input type="radio"/> A joint patentee: all of whom are signing this e-petition</p> <p><input checked="" type="radio"/> The assignee of record of the entire interest</p>																				

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature		Date (YYYY-MM-DD)	
Name		Registration Number	
Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature		Date (YYYY-MM-DD)	
Name			
A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature		Date (YYYY-MM-DD)	
Name			
A Joint Patentee, all of whom are signing this petition			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Patentee	<input type="button" value="Remove"/>		
Signature		Date (YYYY-MM-DD)	
Name			
Additional Patentees may be generated within this form by selecting the Add Button <input type="button" value="Add"/>			
The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	Douglas R McCarter	Date (YYYY-MM-DD)	2012-01-25
Name	Douglas R McCarter		
Enter Reel and Frame Number <input type="button" value="Remove"/>			
Reel Number	011548	Frame Number	
Click ADD for additional Reel Number and Frame Number <input type="button" value="Add"/>			
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			



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In re Patent No. 6,443,817 :
Issued: 09/03/2002 :
Application No. 09/778,525 : ON PETITION
Filed: 02/06/2001 :
Attorney Docket No. MCCARTER-1: :

This is in response to the petition under 37 CFR 1.378(c) filed December 27, 2011.

The patent issued on September 3, 2002. The grace period for paying the 7.5-year maintenance fee expired on September 4, 2010.

Pursuant to 37 CFR 1.378(a), the Director may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional and if the surcharge required by § 1.20(i) is paid as a condition of accepting payment of the maintenance fee.

Any petition to accept an unintentionally delayed payment of a maintenance fee filed under 37 CFR 1.378(c) must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

- (1) the required maintenance fee set forth in § 1.20(e)-(g);
- (2) the surcharge set forth in § 1.20(i)(2); and
- (3) a statement that the delay in payment of the maintenance fee was unintentional.

Lastly, a petition under 37 CFR 1.378(c) must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. See 37 CFR 1.378(d).

Patent No. 6,443,817

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On October 5, 2011, patentee attempted to pay \$1,425.00 for the maintenance fee due at 7.5 years. On October 13, 2011, the Office mailed a Notice of Non-Acceptance of Patent Maintenance Fee indicating that the maintenance fee payment was not accepted and no charge was applied to the credit card because the patent had expired. On October 28, 2011, the Office received a communication signed by only one of the patentees, Douglas R. McCarter, seeking reinstatement of the patent. The communication included payment of the \$1,425.00 maintenance fee and the \$1,640.00 surcharge where late payment was unintentional. The Office acknowledges receipt of fees totaling \$3,065.00.

On December 12, 2011, the Office mailed a letter to patentee in response to the communication of October 28, 2011, indicating that patentee did not file an appropriate petition under 37 CFR 1.378(c) or include a statement that the delay in payment of the maintenance fee was unintentional. Additionally, the Office noted that the communication was signed only by Douglas R. McCarter and advised patentee that if Mr. McCarter was acting on behalf of the assignee, he must submit a Statement under 37 CFR 3.73(b). The letter set a period of one (1) month or thirty (30) days to submit a petition under 37 CFR 1.378(c). No additional fees were required.

On December 27, 2011, patentee submitted a petition under 37 CFR 1.378(c) and a Statement under 37 CFR 3.73(b) which contained the typewritten name of Douglas R. McCarter but lacked his signature. On January 4, 2012, patentee submitted a Statement under 37 CFR 3.73(b) signed by Douglas R. McCarter in his capacity as Vice President. However, patentee has not filed a petition under 37 CFR 1.378(c) signed by Mr. McCarter to date.

Accordingly, the petition will not be treated on the merits until petitioner submits a petition under 37 CFR 1.378(c) containing the signature of a person(s) having authority to act such as Mr. McCarter in accordance with 37 CFR 1.378(d). Thus, the petition is dismissed.

A properly signed petition under 37 CFR 1.378(c) must be within **ONE (1) MONTH or THIRTY (30) DAYS**, whichever is longer, of the mailing of this letter in order to be considered timely. No additional fee is due.

Further correspondence with respect to this matter should be addressed as follows: